

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00071-MR-DLH**

SYNOVUS BANK,

Plaintiff,

vs.

**BOKKE IV L.L.C., JAMES ELEY,
LAURA KELLY, JOHN KELLY, SR.,
MARLON NIEMAND, MARK P. KELLY,
JOHN G. RECKENBEIL, and SIMON
MANNION,**

Defendants,

vs.

KEITH VINSON, et al.,

**Third Party
Defendants.**

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 123]; Plaintiff's Motion for Entry of Judgment as to Defendant Niemand [Doc. 137]; Plaintiff's Motion in Limine (Criminal Allegations) [Doc. 157]; Plaintiff's Motion in Limine (Settlement Discussions) [Doc. 158]; Plaintiff's Motion for Leave to Designate Handwriting Expert [Doc. 159]; and the parties' Notice of Partial Settlement

with respect to Defendant John G. Reckenbeil [Doc. 163]. The Court held a hearing on these matters on February 27, 2014.

For the reasons stated in open court, and in light of the parties' resolution of the claims between the Plaintiff, Defendant Reckenbeil, Defendant Niemand, and the Third-Party Defendants, the Court hereby enters the following Order.

IT IS, THEREFORE, ORDERED that the parties shall file a stipulation of dismissal of all claims pending among the Plaintiff, Defendant Reckenbeil, and the Third-Party Defendants within thirty (30) days of the entry of this Order.

IT IS FURTHER ORDERED that Defendant Marlon Niemand's oral motion for the dismissal of his claims against the Third-Party Defendants is **GRANTED**, and those third-party claims are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Entry of Judgment as to Defendant Niemand [Doc. 137] is **GRANTED**, and the Clerk is hereby directed to enter Judgment against Defendant Marlon Niemand in the amount of Thirty Thousand Dollars (\$30,000.00) in accordance with the parties' Memorandum of Settlement executed on or

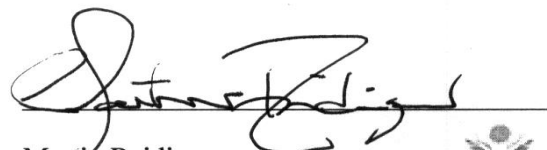
about September 10, 2013 and filed in this matter on December 4, 2013 [Doc. 138-1].

IT IS FURTHER ORDERED that the Plaintiff's Motions in Limine [Docs. 157, 158] and Motion for Leave to Designate Handwriting Expert [Doc. 159] are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this matter is hereby **CONTINUED** from the March 10, 2014 trial term to be reset, if necessary, at a later date.

IT IS SO ORDERED.

Signed: March 4, 2014


Martin Reidinger
United States District Judge

